



# Insurance Department

## State of Utah

GARY R. HERBERT  
Governor  
GREG BELL  
Lieutenant Governor  
NEAL T. GOOCH  
Insurance Commissioner

## State of Utah Title and Escrow Commission Meeting Meeting Information

Date: **March 12, 2012**

Time: 9:00 AM

Place: East Bldg, **Spruce** Room

### MEMBERS

#### COMMISSION MEMBERS

Chair, Dirk Keyes  
xCo Chair, Cortlund G. Ashton, Salt Lake Cnty  
xKirk Donald Smith, Weber Cnty  
xJerry M. Houghton, Tooele Cnty  
xLarry Turner Blake, Washington, Cnty

#### DEPARTMENT STAFF

Perri Babalis, AG Counsel  
xSuzette Green-Wright, MC Dir.  
xJilene Whitby, PIO Recorder  
xBrett Barratt, Deputy Comm.  
Brad Tibbitts, P&C Dir.  
Adam Martin, Examiner  
Mark Kleinfeld, ALJ  
xTammy Greening, Exam.

#### PUBLIC

Carol Yamants  
John C. Summer  
Lincoln Scoffield  
Jeff Weber  
James Seaman  
Joseph McPhie

## **NON APPROVED MINUTES**

### *General Session: (Open to the Public)*

- **Welcome / Cort, Co-Chair**  
Cort began meeting at 9:05am. Dirk Keyes was excused.
- **Adopt Minutes of Previous Meeting**  
Pete asked that the LSI bullet on the first page, \$3,000 should be changed to \$6,000 and Jerry said \$25,000 be changed to \$250,000. Larry made the **motion** to accept the minutes with the changes, Jerry seconded it and the vote was unanimous.
- **Reports**
  - **Concur with Licensee Report / Tammy**  
Cort asked if new title agencies were in fiscal compliance. Tammy reported they were. Cort asked if agencies were required to have the word "insurance" in their name. Tammy said it is only required to be in the agent or agency's marketing tool. David said that if the name includes the word "agency" then it also must include "insurance." Kirk made the **motion** to concur, Larry seconded it and the vote was unanimous.
  - **Concur with Complaint & Enforcement Reports / Suzette**  
The Closed Investigation Report did not show February activities. The department will include it in the April report. **Motion** by Jerry to accept report as presented, seconded by Larry, and vote was unanimous.
  - **Request for Attorney Exemption: None**
- **Administrative Proceedings Action / ALJ**
  - **Stipulation & Order:**
    - **LSI Title Insurance Agency of Utah, Inc: Update LSI's Decision to Concur or Not with Commission's Forfeiture Amount / Brett**
      - On February 9, 2012, Commissioner Gooch sent a letter to LSI asking if they accepted or rejected the Commission's penalty. LSI responded that they could do neither at the time and asked that the department take no further action until the

Governor's Boards and Commissions and Civil Review Committee responded to the complaint they filed with them.

- On March 9 Commissioner Gooch sent another letter to LSI stating that he considered their position to be one of non-acceptance. Action would not be stayed until their complaint was resolved. Resolution of the case would be assigned to the department's administrative law judge. The case would be investigated and administrative action taken. Previous decisions were not to be considered. Once completed the Order will not be reviewed by the Commissioner or Title & Escrow Commission
- Brett said the scope of the investigation would not be limited.
- Larry asked that Commission members be given a copy of the Commissioner's letter. Perri will also need a copy of the Commissioner's letter and LSI's complaint letter. Brett will get her a copy of the Commissioner's letter.
- Brett said he anticipates the investigation will, at a minimum be to determine if LSI needs to be licensed and if they can use an out of state bank. The AG is not restricted to just those issues.
- **Motion** by Jerry to move to Executive Session, seconded by Larry, vote was unanimous.
- **Executive Session** – (Closed to the Public)
  - Unanimous **motion** to move to General Session.
- **General Session** – (Open to the Public) 9:45am
  - **Informal Adjudicative Proceeding & Order:** None
  - **Formal Adjudicative Proceeding & Pre-Hearing Conf:** None
- **Old Business**
  - **Discuss Definition of Real Estate Escrow Settlements & Real Estate Closings** / Cort  
No wording yet.
  - **Discuss “Agency Supervision by Qualifying Owner or Manager Rule”** / Dirk
    - Perri incorporated wording into rule as discussed in last month's meeting.
    - Larry concerned that R592-XX-2(2) does not comply with 31A-23a-204(1)(c). Rule wording would allow people to be out of compliance with the code for up to two years. Rule needs to say that a licensee needs to be in compliance with the code.
    - Tammy said there was an emergency provision in the code that allows a spouse to take a deceased spouse's place for a limited time. Perri suggested removing the second sentence. They agreed.
    - Rule R592-xx-4(2) - Perri suggested “they seek exemption from the commissioner with concurrence of the commission.” All agreed. Perri said common ownership should fit “under certain circumstances.”
    - **Motion** by Larry to amend the rule as discussed and wait until next meeting to make the final decision, seconded by Kirk, vote was unanimous. Perri will make changes.
  - **Discuss Definition of “Minimum Mandatory Search for a Real Estate Transaction”** / Larry  
Larry asked if the industry was being hurt by not having a search standard. He found four examples where work was being done but no one was going back to see if there were any issues with plats. People never go back more than 1 or 2 vestings but need to.
    - David – Paragraph 3 needs to clarify that search is done by a person and not is an individual.
    - “Producers” need to be changed to title “licensees” except in Section 2. Suzette suggested switching Severability and Enforcement sections to go along with rulemaking procedure.
    - Larry made a **motion** that Perri make these changes, send them to Commission for review then put into the rulemaking process.

- **Discuss Unauthorized Insurers and a Bulletin Instructing Producers About the Signing Documents Certifying or Guaranteeing Title and Escrow / Larry**  
Larry thought the bulletin should be sent out as a reminder. Cort asked for comments. None offered. **Motion** by Jerry to accept draft and send it to the commissioner for distribution, seconded by Kirk, vote was unanimous.
- **Discuss Rule R592-6(4)(14), Unfair Methods of Competition, Acts & Practices: Issues brought to the attention of the Department / Suzette**  
Cort noted that ULTA is discussing this as well. Cort asked for Comments. Joseph McPhie said they would rather not have carve-outs. Cort said that the issue is whether we should change the rule or can we enforce it as is? Larry thought they were headed down the wrong road. Larry made the **motion** to not accept the changes but to stay where they were and enforce the rule as it is, seconded by Jerry and the vote was unanimous. The department was thanked for providing the language to be considered.
- **New Business**
  - **Legislative Update / Brett**
    - HB 29, Insurance Amendments, the summary is on the [web](#). Changes take effect July 1 ~~July~~ **May 8, 2012**. Title changes are as follows:
      - 31A-23a-406 – Farm Credit subsidy change requested by Commission – good funds.
      - 31A-23a-409 – Indicates licensee is trustee for money paid to or received by trustee.
      - 31A-31-108 – Fraud assessment increased slightly to pay for 2 more fraud investigators and one support staff.
- **Other Business**
  - **Department Matrix / Jerry**  
Jerry asked that this topic be put on April's Executive Session. He is the only one who has seen the matrix. Move Executive Session to end of meeting.
  - **Jeff – clarified language on trust account in 31A-23a-409.**  
In a case where an agency went bankrupt the judge interpreted funds held by the agency were interplay and they were not held to be received and no longer considered trust funds held for the underwriter or the insured. The language change in 31A-23a-409 passed in HB 29, 1<sup>st</sup> Sub, clarifies that funds received or not yet received by the underwriter or insured will be considered to be trust funds as intended.
- **Adjourn:** At 10:40am Larry made the motion to adjourn, vote was unanimous.
- **Next Meeting:** April 9, 2012, Spruce Room

#### 2012 Meetings in Spruce Room

Jan 9	<del>Feb 13</del>	<del>Mar 12</del>	Apr 9	May 14	Jun 11
Jul 9	Aug 6	Sept 10	Oct 15	Nov 19	Dec 10

# Title Agency Monthly Report

For the month of March, 2012

## License Renewal

Agy_ID	Name	Issue Date	Expiration Date	Lapse Date	Reactivation Date	Qualification
6966	PARK CITY TITLE COMPANY	5/16/2002	3/31/2014			TS
6966	PARK CITY TITLE COMPANY	5/16/2002	3/31/2014			TE
11134	EAGLE POINTE TITLE INSURANCE AGENCY I	5/16/2002	3/31/2014			TE
11134	EAGLE POINTE TITLE INSURANCE AGENCY I	5/16/2002	3/31/2014			TS
7228	FIRST SOUTHWESTERN TITLE AGENCY OF U	5/16/2002	3/31/2014			TE
7228	FIRST SOUTHWESTERN TITLE AGENCY OF U	5/16/2002	3/31/2014			TS
6353	D LAND TITLE	5/16/2002	3/31/2014			TS
6835	JUAB TITLE & ABSTRACT COMPANY	5/16/2002	3/31/2014			TS
6413	SOUTHERN UTAH TITLE COMPANY	5/16/2002	3/31/2014			TE
6413	SOUTHERN UTAH TITLE COMPANY	5/16/2002	3/31/2014			TS
6577	SUNRISE TITLE COMPANY	5/16/2002	3/31/2014			TE
6577	SUNRISE TITLE COMPANY	5/16/2002	3/31/2014			TS
7161	TOOELE TITLE COMPANY	5/16/2002	3/31/2014			TE
7161	TOOELE TITLE COMPANY	5/16/2002	3/31/2014			TS
6353	D LAND TITLE	5/16/2002	3/31/2014			TE
6835	JUAB TITLE & ABSTRACT COMPANY	5/16/2002	3/31/2014			TE

## Late License Renewal

Agy_ID	Name	Issue Date	Expiration Date	Lapse Date	Reactivation Date	Qualification
6974	SUTHERLAND TITLE COMPANY	5/16/2002	2/28/2014			TS
10898	1ST NATIONAL TITLE INSURANCE AGENCY, L	5/16/2002	2/28/2014			TE
6951	ACCESS TITLE COMPANY, INC	5/16/2002	2/28/2014			TE
10898	1ST NATIONAL TITLE INSURANCE AGENCY, L	5/16/2002	2/28/2014			TS

# Title Agency Monthly Report

For the month of March, 2012

## Late License Renewal

Agy_ID	Name	Issue Date	Expiration Date	Lapse Date	Reactivation Date	Qualification
162436	VENDORTRAK TITLE INSURANCE AGENCY L	2/2/2010	2/28/2014			TS
162436	VENDORTRAK TITLE INSURANCE AGENCY L	2/2/2010	2/28/2014			TE
6447	CEDAR LAND TITLE, INC	5/16/2002	2/28/2014			TE
6447	CEDAR LAND TITLE, INC	5/16/2002	2/28/2014			TS
6951	ACCESS TITLE COMPANY, INC	5/16/2002	2/28/2014			TS
6974	SUTHERLAND TITLE COMPANY	5/16/2002	2/28/2014			TE

## Reinstated License

Agy_ID	Name	Issue Date	Expiration Date	Lapse Date	Reactivation Date	Qualification
6951	ACCESS TITLE COMPANY, INC	5/16/2002	2/28/2014	3/30/2012	3/15/2012	TS
6447	CEDAR LAND TITLE, INC	5/16/2002	2/28/2014	3/30/2012	3/16/2012	TS
12536	BARTLETT TITLE INSURANCE AGENCY INC	7/2/2003	9/30/2013	10/30/201	3/28/2012	TS
6974	SUTHERLAND TITLE COMPANY	5/16/2002	2/28/2014	3/30/2012	3/8/2012	TE
10898	1ST NATIONAL TITLE INSURANCE AGENCY, L	5/16/2002	2/28/2014	3/30/2012	3/13/2012	TE
10898	1ST NATIONAL TITLE INSURANCE AGENCY, L	5/16/2002	2/28/2014	3/30/2012	3/13/2012	TS
162436	VENDORTRAK TITLE INSURANCE AGENCY L	2/2/2010	2/28/2014	3/30/2012	3/12/2012	TS
162436	VENDORTRAK TITLE INSURANCE AGENCY L	2/2/2010	2/28/2014	3/30/2012	3/12/2012	TE
12536	BARTLETT TITLE INSURANCE AGENCY INC	7/2/2003	9/30/2013	10/30/201	3/28/2012	TE
6974	SUTHERLAND TITLE COMPANY	5/16/2002	2/28/2014	3/30/2012	3/8/2012	TS
6447	CEDAR LAND TITLE, INC	5/16/2002	2/28/2014	3/30/2012	3/16/2012	TE
6951	ACCESS TITLE COMPANY, INC	5/16/2002	2/28/2014	3/30/2012	3/15/2012	TE

# Title Individual Monthly Report

For the month of March, 2012

## License Renewal

Indv ID	Name	Issue Date	Expiration Date	Lapse Date	Reactivation Date	Qualification
29270	D Dawn Smith	05-16-2002	03-31-2014			TE
28882	MARILYN MORGAN HILLERY	05-16-2002	03-31-2014			TE
94867	JADE ADAMS	10-06-2003	03-31-2014			TE
149733	NATHAN R. BALDWIN	08-14-2007	03-31-2014			TMR
145993	CHASALEENA SNOW BAXTER	06-06-2007	03-31-2014			TE
53277	VICKI S CARTER	05-16-2002	03-31-2014			TE
53277	VICKI S CARTER	05-16-2002	03-31-2014			TS
41472	RYAN TIMOTHY CHATWIN	05-16-2002	03-31-2014			TE
49653	KEITH M CLEM	05-16-2002	03-31-2014			TE
49653	KEITH M CLEM	05-16-2002	03-31-2014			TS
95184	CHARITY HAWKINS DODSON	10-15-2003	03-31-2014			TE
31745	PERI EBY	05-16-2002	03-31-2014			TE
33917	CONNIE DYE	05-16-2002	03-31-2014			TS
1393413	LAMARR JEFFREY POULTON	05-28-2009	03-31-2014			TE
31745	PERI EBY	05-16-2002	03-31-2014			TMR
9450	VICKI L FLEMING	05-16-2002	03-31-2014			TE
148119	JEREMY R GALE	08-20-2007	03-31-2014			TE
148119	JEREMY R GALE	08-20-2007	03-31-2014			TS
82843	CHRISTIAN N GEORGE	10-24-2002	03-31-2014			TE
38822	MARK EUGENE GONZALES	05-16-2002	03-31-2014			TS

# Title Individual Monthly Report

For the month of March, 2012

## License Renewal

Indv ID	Name	Issue Date	Expiration Date	Lapse Date	Reactivation Date	Qualification
1389651	TERYL SCOTT HAMMER	04-16-2009	03-31-2014			TE
37481	LORI A HARPER	05-16-2002	03-31-2014			TE
37481	LORI A HARPER	05-16-2002	03-31-2014			TS
95027	SELENA KAYE REEVES	10-09-2003	03-31-2014			TE
34447	WILLIAM L JOHNSON	05-05-2003	03-31-2014			TE
40076	DACEI H HOGGAN	05-16-2002	03-31-2014			TE
91692	GREGORY JUSTIN SMALLEY	06-27-2003	03-31-2014			TS
37747	WILLIAM RAYMOND JONES	05-16-2002	03-31-2014			TS
44401	MARSHA KELLER	05-16-2002	03-31-2014			TE
138280	STEFFANIE LARSEN	05-17-2007	03-31-2014			TE
116179	Bridgette R Lloyd	07-22-2005	03-31-2014			TE
40174	TERRIE SOFIA LUND	11-04-2005	03-31-2014			TE
9296	STACEY L MILLER	05-16-2002	03-31-2014			TE
95550	JOHN BRIAN NIELSON	10-28-2003	03-31-2014			TE
95550	JOHN BRIAN NIELSON	10-28-2003	03-31-2014			TS
1397739	ANNE MARIE PIERCE	01-11-2010	03-31-2014			TE
44105	MARILYN ADAMS	05-16-2002	03-31-2014			TS
1393413	LAMARR JEFFREY POULTON	05-28-2009	03-31-2014			TS
33917	CONNIE DYE	05-16-2002	03-31-2014			TE
22355	MARK D SCHROEPPPEL	05-16-2002	03-31-2014			TMR

# Title Individual Monthly Report

For the month of March, 2012

## License Renewal

Indv ID	Name	Issue Date	Expiration Date	Lapse Date	Reactivation Date	Qualification
25849	GABRIEL D SELDERS	05-16-2002	03-31-2014			TE
25849	GABRIEL D SELDERS	05-16-2002	03-31-2014			TS
33986	TODD R SHERMAN	05-16-2002	03-31-2014			TE
33986	TODD R SHERMAN	05-16-2002	03-31-2014			TS
66540	MATTHEW D SHOCKLEY	05-16-2002	03-31-2014			TE
66540	MATTHEW D SHOCKLEY	05-16-2002	03-31-2014			TS
95360	STEVEN SHROPE	10-21-2003	03-31-2014			TE
95360	STEVEN SHROPE	10-21-2003	03-31-2014			TS
44105	MARILYN ADAMS	05-16-2002	03-31-2014			TE
40076	DACEI H HOGGAN	05-16-2002	03-31-2014			TS
126537	JUSTIN BLAINE STRATTON	03-17-2006	03-31-2014			TMR
30655	VICKIE J SMITH	05-16-2002	03-31-2014			TE
86862	COREY W SNOW	08-04-2003	03-31-2014			TS
36742	RICHARD E SOUTHAM	05-16-2002	03-31-2014			TS
31642	MARLA M SPENCER	05-16-2002	03-31-2014			TE
33058	CREED K STEPHENSON	05-16-2002	03-31-2014			TE
42899	CAMILLE TOPHAM	05-16-2002	03-31-2014			TE
126537	JUSTIN BLAINE STRATTON	03-17-2006	03-31-2014			TE
65598	KELLI ANN USHER	05-16-2002	03-31-2014			TE
136895	NATHANIEL A TAGGART	11-16-2006	03-31-2014			TS



# Title Individual Monthly Report

For the month of March, 2012

## License Renewal

Indv ID	Name	Issue Date	Expiration Date	Lapse Date	Reactivation Date	Qualification
99062	KHRISTINE TEEPLES	02-23-2004	03-31-2014			TE
113284	STEVIE JO TORRES	04-27-2005	03-31-2014			TE
40007	DERON DALE WILKERSON	05-16-2002	03-31-2014			TE
40007	DERON DALE WILKERSON	05-16-2002	03-31-2014			TS
1344470	KIMBERLY WOUDEN	11-16-2007	03-31-2014			TE
33058	CREED K STEPHENSON	05-16-2002	03-31-2014			TS
91692	GREGORY JUSTIN SMALLEY	06-27-2003	03-31-2014			TE

## Late License Renewal

Indv ID	Name	Issue Date	Expiration Date	Lapse Date	Reactivation Date	Qualification
40036	LESLIE HEPPLER	05-16-2002	03-31-2014			TE
63751	DONNA MARIE MARTINEZ	05-16-2002	03-31-2014			TE

## Lapse Licenses

Indv ID	Name	Issue Date	Expiration Date	Lapse Date	Reactivation Date	Qualification
36418	JENNIFER S FRAUGHTON	05-16-2002	02-29-2012	3/30/2012		TE
36256	BONNIE LYNN SUTHERLAND	05-16-2002	02-29-2012	3/30/2012		TS
36256	BONNIE LYNN SUTHERLAND	05-16-2002	02-29-2012	3/30/2012		TE
41211	GREGORY T WEBBER	05-16-2002	02-29-2012	3/30/2012		TE

# Title Individual Monthly Report

For the month of March, 2012

## Lapse Licenses

Indv ID	Name	Issue Date	Expiration Date	Lapse Date	Reactivation Date	Qualification
143997	CASEY G SHORTEN	04-10-2007	02-29-2012	3/30/2012		TMR
41211	GREGORY T WEBBER	05-16-2002	02-29-2012	3/30/2012		TS
116149	KENDALL CLAYTON DUMAS	07-21-2005	02-29-2012	3/30/2012		TS
45067	F KIMLYN PORTER	05-16-2002	02-29-2012	3/30/2012		TS
66924	Andrina C Ryhlick	05-16-2002	02-29-2012	3/30/2012		TMR
42640	D SHANE CURLIS	05-16-2002	02-29-2012	3/30/2012		TS
87660	JERI LYNETTE SHOCKEY	03-12-2003	02-29-2012	3/30/2012		TE
1390797	CHRISTOPHER KENNETH CREER	08-06-2009	02-29-2012	3/30/2012		TE
45067	F KIMLYN PORTER	05-16-2002	02-29-2012	3/30/2012		TE
1401557	ANGELA DALE GOLDBERG	11-30-2009	02-29-2012	3/30/2012		TS
116149	KENDALL CLAYTON DUMAS	07-21-2005	02-29-2012	3/30/2012		TE
1409824	JAKOB STEELE BRANDLEY	12-24-2009	02-29-2012	3/30/2012		TE
1412110	MATTHEW C WATHEN	12-14-2009	02-29-2012	3/30/2012		TMR
1394907	Shardae LaNell Jensen	06-16-2009	02-29-2012	3/30/2012		TE
41400	ROBERT A EDER	05-16-2002	02-29-2012	3/30/2012		TE
1390797	CHRISTOPHER KENNETH CREER	08-06-2009	02-29-2012	3/30/2012		TS
41400	ROBERT A EDER	05-16-2002	02-29-2012	3/30/2012		TS
1348164	JENNIFER S BUTTARS	11-26-2007	02-29-2012	3/30/2012		TMR
1340248	EVAN KENT HIBLER	11-02-2007	02-29-2012	3/30/2012		TE

# Title Individual Monthly Report

For the month of March, 2012

## Reinstated License

Indv ID	Name	Issue Date	Expiration Date	Lapse Date	Reactivation Date	Qualification
44340	JODY LINN VANAUSDAL	05-16-2002	06-30-2013	7/30/2011	3/19/2012	TE
45633	R SCOTT SILER	05-16-2002	02-28-2014	3/30/2012	3/9/2012	TE
45265	PAMELA M MILLER	05-16-2002	01-31-2014	3/1/2012	3/8/2012	TE
30595	JOYCE GARDINER	05-16-2002	02-28-2014	3/30/2012	3/5/2012	TS
30595	JOYCE GARDINER	05-16-2002	02-28-2014	3/30/2012	3/5/2012	TE
39505	TRACY DYE	05-16-2002	02-28-2014	3/30/2012	3/7/2012	TMR
92417	KRISTY L CARRILLO	07-21-2003	02-28-2014	3/30/2012	3/14/2012	TE
45633	R SCOTT SILER	05-16-2002	02-28-2014	3/30/2012	3/9/2012	TS

## Dual Licensee Expedited Request for Approval for the Provision of a Title Insurance Product or Service

The filer submits **under penalty of perjury**, the following information to the Chairman of the Title and Escrow Commission:

Filer (dual licensee) information

Name Michael Young  
Address 7881 Olympus Street Midvale, Utah 84047  
Title Insurance License Number 86426  
Title Insurance Agency Affiliation Nations Title Agency of Utah  
Other Dual License Type and Number Real Estate Sales Agent # 5451353-SAOO  
Other Dual License Agency Affiliation Utah Realty Advisors

1. Describe the title insurance product to be provided (if none, leave blank):  
ALTA Homeowner's Policy by TitleWest
2. Describe the title insurance service to be provided (if none, leave blank):  
Closing Escrow Services by TitleWest
3. Name(s) of the principal(s) anticipated to be providing compensation to the dual licensee for this transaction:  
Utah Realty Advisors
4. Property for which a title insurance product or service is provided (attach additional sheet, if necessary):  
Property Address 11645 So. Canyon Road  
City, ST Zip Payson, Utah 84651  
County Utah  
Tax ID/Serial No [REDACTED]

Legal Description (attached)

5. Has the undersigned received any consideration from a person described in item number 3 above within 18 months prior to the day on which this statement is filed? Yes ☐ No ☒  
If yes, provide the name of the person. \_\_\_\_\_
6. Explanation of significant hardship on buyer or seller in this transaction.  
Cash Transaction buyer anxious to close asap.  
Settlement to be on or before April 13, 2012.

**By submitting this form, the filer hereby attests that he/she is acting in good faith and that the above information is true and correct.**

86426

Filer's License Number

3/29/2012  
Date

7. \$25.00 filing fee

**By completing the credit/debit card information below, the filer hereby authorizes the charging of the \$25.00 filing fee to that account.**

Name of Cardholder (print)	Card Number	Expiration Date	Card Type (Credit/Debit)
Michael E. Young	[REDACTED]	01/14	VISA.

Approved: \_\_\_\_\_

Chairman  
Title and Escrow Commission

\_\_\_\_\_  
Date

INSURANCE

STATE OFFICE BLDG

SLC, UT 84114

IDENT: 11111111111111111111

IDENT: 11111111111111111111

UTSA 11111111111111111111

XXXXXXXXXXXX0316

SALE

DATE: 08/29/12

AUTH: 029152

TOTAL \$25.00

HOWEVER

*Michael Young*

PLEASE TO PAY HAVE THE CARD  
BEING TO USE THE CARD  
BEING TO USE THE CARD

M. GALE LEMMON #4363  
Assistant Attorney General  
MARK L. SHURTLEFF #4666  
Attorney General  
Attorneys for Utah Insurance Department  
160 East 300 South, Fifth Floor  
P.O. Box 140874  
Salt Lake City, UT 84114-0874  
Telephone (801) 366-0375

## BEFORE THE INSURANCE COMMISSIONER OF THE STATE OF UTAH

**COMPLAINANT:**

UTAH STATE INSURANCE DEPARTMENT

**RESPONDENT:**

BRIAN CHAPIN BUTTERS  
10007 S Orkney Cir.  
South Jordan, UT 84095  
License No. 58706

**DEFAULT AND  
DEFAULT ORDER**

**Docket No.** 2012-020-PC

**Enf. Case No.** 3024

### DEFAULT

On Wednesday, the 14<sup>th</sup> day of March 2012, at 10:00 a.m., the date and time set for the Pre-hearing in this matter, the Complainant appeared by and through it attorney, M. Gale Lemmon, Assistant Attorney General, the Respondent failed to appear either in person or through counsel. Further, more than 30 days having elapsed since the mailing of the Complaint and Notice of Formal Adjudicative Proceeding in this matter, and no response having been received, pursuant to Utah Code Annotated Section 63G-4-209, and the Default of the

Respondent is hereby entered.

DATED this 15<sup>th</sup> day of March, 2012.

NEAL T. GOOCH  
INSURANCE COMMISSIONER

  
\_\_\_\_\_  
MARK E. KLEINFELD, Esq.  
Presiding Officer



**DEFAULT ORDER**


The Default of the Respondent having previously been entered, the presiding officer hereby adopts the allegations in the Complaint as his Findings of Fact and Conclusions of Law, and enters the following Recommended Order:

IT IS RECOMMENDED THAT THE TITLE AND ESCROW COMMISSION IMPOSE THE FOLLOWING PENALTY:

1. The insurance license of the Respondent, Brian Chapin Butters, be revoked forthwith.
2. Respondent be ordered to immediately cease doing any insurance business in the State of Utah.

DATED this 15<sup>th</sup> day of March, 2012.

NEAL T. GOOCH  
INSURANCE COMMISSIONER

  
MARK E. KLEINFELD, Esq.  
Presiding Officer  
Utah Department of Insurance  
State Office Building, Room 3110  
Salt Lake City, Utah 84114  
Telephone (801) 538-3800

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**ADOPTION OF RECOMMENDED ORDER AND IMPOSITION OF PENALTY**

By a vote of \_\_\_\_\_ to \_\_\_\_\_, taken in open meeting on this date, the Title and Escrow Commission hereby adopts the recommended order of the presiding officer and imposes the penalties recommended herein above.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
DIRK DONALD KEYES, Chairman  
Title and Escrow Commission

**NOTIFICATION**

Respondent is hereby notified that failure to abide by the terms of this Order may subject him to further penalties, including additional forfeitures of up to \$5,000.00 per violation and the filing of an action to enforce this Order in the District Court which may impose penalties of up to \$10,000.00 per day for continued violation.

You are further notified that other jurisdictions in which you may be licensed may require that you report this action to them.

R5920. Insurance, ~~Administration~~ Title and Escrow Commission.

R592-XX. Agency Supervision by ~~Qualifying Owner or Manager~~ Licensee.

R592-XX-1. Authority.

This rule is promulgated pursuant to Subsections 31A-2-404(2)(a)(ii), (iv) and (b), which direct the Title and Escrow Commission to make rules pertaining to the licensing of a title licensee, standards of conduct for a title insurer, agency or producer, and require the Title and Escrow Commission's concurrence in the issuance and renewal of title licensee licenses.

R592-XX-2. Purpose and Scope.

(1) The purpose of this rule is to establish guidelines for agency licensing specifically in regard to the 31A-23a-204(1) ~~designated owner(s) or manager(s)~~, in order to ensure that all agencies have a dedicated ~~individual(s)~~ licensee with a requisite level of experience directly supervising the title and escrow operations of their agency.

(2) This rule applies to all applicants for a title insurance agency license or renewal of a title insurance agency license. ~~Any existing title insurance agency not in compliance with this rule must by the renewal comply by the time of renewal of the title insurance agency licensee.~~

R592-XX-3. Definitions.

"~~Designated~~Qualifying Licensee" means the individual or individuals designated by the agency under Section 31A-23a-204(1)(a), (b), and (c), ~~except for any attorney who has received exemption from the Commission under Section 31A-23a-204(d).~~

R592-XX-4. Licensing/Supervision.

(1) The Commission finds that in order to protect the public the ~~Designated Qualifying Licensee~~ shall be:

- (a) devoted to only a single agency;
- (b) responsible for the direct supervision and oversight of the title and escrow operations of their agency; and
- (c) named as the "~~Designated Qualifying Licensee~~" for only a single agency.

(2) The Qualifying Licensee may seek an exemption from compliance with this rule, from the Commissioner, with concurrence of the Commission.

R592-XX-5. Enforcement Date.

The commissioner will begin enforcing this rule upon the rule's effective date.

R592-XX-65. Severability.

If any section, term, or provision of this rule shall be adjudged invalid for any reason, such judgment shall not affect, impair or invalidate any other section, term, or provision of this rule and the remaining sections, terms, and provisions shall be and remain in full force. If any provision of this rule or its

application to any person or situation is held to be invalid,  
that invalidity shall not affect any other provision or  
application of this rule which can be given effect without the  
invalid provision or application, and to this end the provisions  
of this rule are declared to be severable.

~~R592 XX 6. Enforcement Date.~~

~~The commissioner will begin enforcing this rule upon the~~  
~~rule's effective date.~~

KEY: title insurance  
31A-2-404; 31A-23a-204

**R592. Insurance, Title and Escrow Commission.**

**R592-XX. Minimum Mandatory Search Standards and Requirements.**

**R592-XX-1. Authority.**

This rule is promulgated pursuant to Subsection 31A-2-404(2)(a) which directs the Title and Escrow Commission to make rules for the administration of the provisions of Title 31A related to title insurance; and Subsection 31A-23a-406(8) pertaining to minimum mandatory search standards.

**R592-XX-2. Purpose and Scope.**

(1) The purpose of this rule is to establish guidelines, pursuant to 31A-23a-406(8), for title insurance producers conducting searches on real estate located in the state of Utah.

(2) This rule applies to all title insurance ~~producers~~ licensees.

**R592-XX-3. Definitions.**

"Minimum mandatory search" means a search and examination conducted by:

- (1) ~~An individual~~ a person licensed with a title search line of authority in the state of Utah has, for the purpose to issue title commitments, policies, endorsements, guarantees and other insurance products:
  - (a) inspected the applicable land, title, and other records within the jurisdiction relating to the ownership of the real property; or
  - (b) directly supervises a non-licensed individual to inspect the applicable land, title, and other records within the jurisdiction relating to the ownership of the real property; and
- (2) ~~An individual~~ a person licensed with a title search line of authority in the state of Utah has, for the purpose to issue title commitments, policies, endorsements, guarantees and other insurance products, examined the applicable documents within the chain of title.

**R592-XX-4. Counter Signature.**

Any title commitments, policies, endorsements, guarantees and other insurance products issued by a title insurance ~~company~~ licensee shall be countersigned by a ~~licensed title insurance producer~~ licensee with a title search line of authority in the state of Utah which counter signature certifies that the ~~licensed title insurance producer~~ licensee has performed a minimum mandatory search.

**~~R592-XX-5. Severability.~~**

~~If any provision of this rule or its application to any person or situation is held to be invalid, that invalidity shall not affect any other provision or application of this rule which can be given effect without the invalid provision or application, and to this end the provisions of this rule are declared to be severable.~~

R592-XX-56. Enforcement Date.

The commissioner will begin enforcing this rule upon the rule's effective date.

R592-XX-65. Severability.

If any provision of this rule or its application to any person or situation is held to be invalid, that invalidity shall not affect any other provision or application of this rule which can be given effect without the invalid provision or application, and to this end the provisions of this rule are declared to be severable.

KEY: title insurance  
31A-2-404; 31A-23a-406